



C/2024/3424

10.6.2024

Judgment of the Court (Eighth Chamber) of 18 April 2024 (request for a preliminary ruling from the Tribunal judiciaire d'Auch – France) – EP v Préfet du Gers, Institut national de la statistique et des études économiques (INSEE)

(C-716/22, ⁽¹⁾ Préfet du Gers et Institut national de la statistique et des études économiques II)

(Reference for a preliminary ruling – Citizenship of the Union – National of the United Kingdom of Great Britain and Northern Ireland residing in a Member State – Articles 20 and 22 TFEU – Right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence – Article 50 TEU – Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Consequences of the withdrawal of a Member State of the European Union – Removal from the electoral roll in the Member State of residence – Article 39 of the Charter of Fundamental Rights of the European Union – Validity of Decision (EU) 2020/135)

(C/2024/3424)

Language of the case: French

Referring court

Tribunal judiciaire d'Auch

Parties to the main proceedings

Applicant: EP

Defendant: Préfet du Gers, Institut national de la statistique et des études économiques (INSEE)

Intervener: Commune de Thoux, represented by: the Mayor of Thoux

Operative part of the judgment

1. The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, which was adopted on 17 October 2019 and entered into force on 1 February 2020, read in the light of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that, since the withdrawal of the United Kingdom from the European Union on 1 February 2020, nationals of that State who exercised their right to reside in a Member State before the end of the transition period no longer benefit from a right to vote and to stand as a candidate in elections to the European Parliament in their Member State of residence.
2. The examination of the first question referred for a preliminary ruling has not revealed any factor capable of affecting the validity of Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

⁽¹⁾ OJ C 83, 6.3.2023.